

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ALVARO ORTIZ,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-06-834-M
)	
JOSEPH SCIBANA, WARDEN,)	
)	
Respondent.)	

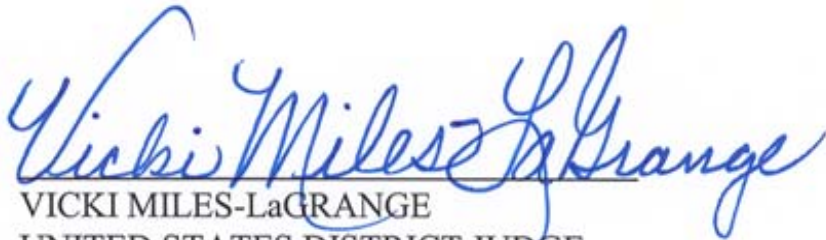
ORDER

On September 28, 2006, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Petition for Writ of Habeas Corpus be summarily dismissed without prejudice to refiling petitioner's claims in a civil rights action pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Petitioner was advised of his right to object to the Report and Recommendation by October 18, 2006. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on September 28, 2006, and
- (2) DISMISSES the Petition for Writ of Habeas Corpus without prejudice to the refiling of petitioner's claims in a civil rights action pursuant to *Bivens*.

IT IS SO ORDERED this 31st day of October, 2006.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE